

June 24, 1993

Mr. Michael Ruger, Chief
Allocations Branch
Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

Attn: Sharon McDonald

Re: Request for Issuance of Public Notice
Petition for Rule Making
Webster Springs, WV

Dear Mr. Ruger:

Attached hereto please find FCC correspondence dated June 11, 1993 granting a construction permit for a new FM station to Cat Radio, Inc. On December 15, 1992, Cat Radio filed a Petition for Rule Making requesting channel upgrade. The staff indicated that the Rule Making Public Notice would not be issued until Cat Radio's application for a new station was granted. Since Cat Radio now holds a construction permit, we request that the Commission issue an appropriate public notice.

Should any questions arise concerning this matter, kindly contact this office.

Respectfully,

Timothy E. Welch
Timothy E. Welch

RECEIVED

JUN 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1330 New Hampshire Ave., N.W.
Suite 113
Washington, D.C. 20036
(202) 775-0070
Fax (202) 775-9026

Dean George Hill
Timothy E. Welch

Rm - 8283

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

JUN 11 1993

IN REPLY REFER TO:
1800B3-AJA

Richard R. Greene
Cat Radio, Inc.
P.O. Box 1573
Clarksburg, WV 26301

In re: New (FM), Webster Springs, WV
Cat Radio, Inc.
BPH-920507MB

Dear Mr. Greene:

This letter is in reference to: (i) the above-captioned "first-come first-served" application for a new FM station to serve Webster Springs, West Virginia on Channel 262A and (ii) your amendment dated December 2, 1992.

The December 2, 1992 amendment was received more than thirty days after the Notice of Tenderability for your original application, which was released on August 4, 1992. As such, in accordance with 47 C.F.R. § 73.3522, it is considered untimely. Furthermore, your amendment did not contain a sufficient showing of good cause for the late filing and was not filed pursuant to 47 C.F.R. § 1.65 or § 73.3514. Therefore, your amendment will be returned. Additionally, a final engineering study has determined that your application, as originally filed, is acceptable in accordance with the Commission's Rules and is grantable.

Accordingly, for the reasons stated above, the amendment dated December 2, 1992 IS HEREBY RETURNED. In addition, application BPH-920507MB, as originally filed, IS HEREBY GRANTED. Authorization will follow under separate cover. If you wish to implement the facilities proposed in your December 2, 1992 amendment, you may file FCC Form 301 to modify the construction permit granted herein. Because the permit granted herein is for a new broadcast facility, we would favorably consider a request for expeditious processing in conjunction with the filing of your FCC Form 301 application.

Sincerely,



Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Dean, George, Hill & Welch

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Original
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DEC 8 12 16 PM '92

FCC
FEES SECTION

In re Petition of

Cat Radio, Inc.

For Amendment of Section 73.202(b)--
FM Table of Allotments--To Upgrade
Channel 262A at Webster Springs, WV
to Channel 262B

RM- 8283

MM Docket No. _____

RECEIVED

To: Allocations Branch
Policy and Rules Division
Mass Media Bureau

DEC 15 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Cat Radio, Inc. (Petitioner), by its attorney, respectfully submits its petition for rule making which seeks to upgrade the allocation at Webster Springs, WV from 262A to 262B. In support whereof, the following is respectfully submitted:

1) Petitioner is the only applicant for the sole channel allocated to Webster Springs, WV (File No. BPH-920507MB). Petitioner's application was filed under the "first-come/first-served" processing rules and is currently pending.

2) After examination of the frequency environment, Petitioner has concluded that channel 262A at Webster Springs can be upgraded to channel 262B in the public interest. Such an allocation would provide Webster Springs with its first wide area allocation.

3) Finally, Petitioner requests that after it receives construction authorization for Webster Springs on channel 262A, an action that is Xexpected in the near future and before action is taken upon the instant petition, that its authorization be modified

014
List A B C D E

to specify the higher class channel at Webster Springs. Petitioner shall file supplemental information upon receipt of its construction authorization for channel 262A.

WHEREFORE, in view of the information presented herein, Petitioner respectfully requests that the following modification be made to the FM Table of Allotments:

	Present	Proposed
Webster Springs, WV	262A	262B

Respectfully submitted,
CAT RADIO, INC.

Dean George Hill & Welch
Suite #113
1330 New Hampshire Ave., N.W.
Washington, D.C. 20036
(202) 775-0070
December 4, 1992

Dean George Hill (w)
Dean George Hill

Timothy E. Welch
Timothy E. Welch

Its Attorneys

TECHNICAL STATEMENT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
CAT RADIO, INC.
WEBSTER SPRINGS, WEST VIRGINIA

This technical statement and associated exhibit have been prepared on behalf of CAT Radio, Inc. to provide technical information in support of a Petition for Rule Making to amend 47 CFR 73.202(b) by the substitution of channel 262B (100.3 MHz) for channel 262A at Webster Springs, West Virginia.¹

Proposed Change in the Table of Allotments

It is requested that 47 CFR 73.202(b) be amended by the substitution of channel 262B for channel 262A at Webster Springs, West Virginia. Channel 262A is the only local service available to Webster Springs. Therefore, the proposal would permit expansion of Webster Springs' only local service. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Webster Springs, West Virginia	262A	262B

The proposed channel 262B reference point is located outside of the Canadian and Mexican "border" areas. Therefore, coordination with these countries is not required.

¹CAT Radio, Inc. is currently the only applicant for vacant channel 262A at Webster Springs, West Virginia (FCC File No. BPH-920507MB).

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 262B at Webster Springs. The Webster Springs reference coordinates contained in the Index to the USGS National Atlas (Latitude 38° 28' 42" North, Longitude 80° 24' 54" West) have been used for distance calculations. It is noted that these are also the reference coordinates listed in the Commission's FM database for the Webster Springs channel 262A allotment. As shown, with the exception of the current channel 262A allotment at Webster Springs being modified by this proposal, the reference coordinates comply with the Commission's minimum distance separation requirements contained in 47 CFR 73.207 with respect to all existing, authorized and proposed stations and allotments.

Based on maximum Class B facilities of an effective radiated power of 50 kW and an antenna height above average terrain of 150 meters, the distance to the 70 dBu (3.16 mV/m) city grade contour is approximately 32 kilometers (20 miles). The Webster Springs reference site is located within the Webster Springs city limits and the most distant point of the city from this site is located at a distance of approximately 1.4 kilometers (0.9 mile). Therefore, the proposal would appear to comply with the Commission's city coverage requirements contained in 47 CFR 73.315 as the 70 dBu contour, based on maximum Class B operation from the reference site, would extend approximately 30.6 kilometers (19.1 miles) beyond the Webster Springs reference point.

Conclusion

Channel 262B can be substituted for channel 262A at Webster Springs in apparent compliance with all applicable Commission Rules with no site restriction. The proposal will result in expanded first local broadcast service to Webster Springs. Therefore, it is requested that channel 262B be substituted for channel 262A at Webster Springs, West Virginia.

W. Jeffrey Reynolds

W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
1019 19th Street, N.W.
Third Floor
Washington, D.C. 20036
(202) 223-6700

December 1, 1992

Figure 1

FM ALLOCATION STUDY

Job Title : Proposed Webster Springs, West Virginia Separation Buffer 32 km

FCC DB Date : 10/27/92

Channel 262B (100.3 MHz)

Coordinates : 38-28-42 80-24-54

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WCLGFM LIC	Morgantown WV	BLH901214KG	261A 100.1	6.0 91.0	39-37-40 79-58-11	16.6	133.31 20.31	113 CLEAR
WDMX LIC	Vienna WV	BLH890531KB	261A 100.1	1.65 134.0	39-20-18 81-30-01	315.9	134.09 21.09	113 CLEAR
ALC	Lynchburg VA	Docket90-366	261C3 100.1	.0	37-28-00 79-06-00	133.9	161.13 16.13	145 CLEAR
Site Restricted-Effective 2-1-91-Rsvd For WKZZ Per D90-366								
WLYK CP	Lynchburg VA	BPH910926IL	261C3 100.1	20.0 100.0	37-27-00 79-04-30	133.8 SS	164.00 19.00	145 CLEAR
From Channel 261A Per D90-366								
WLYK APP	Lynchburg VA	BMPH920908IE	261C3 100.1	20.0 100.0	37-27-00 79-04-29	133.8 SS	164.02 19.02	145 CLEAR
ALC	Webster Springs WV	Docket89-106	262A 100.3	.0	38-28-42 80-24-54	0.0	0.00 -178.00	178/1 SHORT
NEW APP	Webster Springs WV	BPH920507MB	262A 100.3	1.3 215.0	38-30-16 80-20-53	63.5	6.53 -171.47	178/1 SHORT
WCLTFM LIC	Newark OH	BLH3646	262B 100.3	50. 119.0	40-02-02 82-24-08	315.9	243.40 2.40	241 CLOSE
WWWB LIC	High Point NC	BLH880805LB	262C 100.3	100. 316.0	35-58-09 79-49-29	169.2	283.35 9.35	274 CLOSE
WOMPFM LIC	Bellaire OH	BLH881118KB	263B 100.5	48. 152.0	40-02-09 80-46-16	350.1	175.63 6.63	169 CLOSE
WKEE LIC	Huntington WV	BLH5460	263B 100.5	53. 171.0	38-23-35 82-28-24	267.6	179.98 10.98	169 CLOSE
GRANDFATHERED AT 53KW @ 171M HAAT.								
WIQOFM LIC	Covington VA	BLH790423AM	265A 100.9	3.00 -64.0	37-46-00 79-59-05	154.4	87.55 18.55	69 CLEAR

** End of separation study for channel 262B **

/1 Current Channel 262A allotment at Webster Springs being upgraded by the instant proposal.